IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929
WP(C).No. 15662 of 2006(M)

AGAINST THE ORDER IN EP 39 /2006 IN
LAR.167/1988 of II ADDL.SUB COURT,THRISSUR
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PETITIONER:

THE SECRETARY,
THRISSUR CORPORATION, THRISSUR.

BY ADV. SRI.K.B.MOHANDAS,SC,THRISSUR CORPORATIO
SRI.LELLULAL T.G.THUNDATHIL
SRI.K.A.SREEJITH

RESPONDENTS:
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1. MATHIRI, W/O.LATE ELUVATHINKAL GEORGE,
RESIDING AT MTM NAGAR, KACHERY DESOM,
OLLUR VILLAGE, THRISSUR TALUK.

2. CHERIAN E.GEORGE,
S/O. LATE ELUVATHINKAL GEORGE, RESIDING AT
MTM NAGAR, KACHERY DESOM, OLLUR VILLAGE,
THRISSUR TALUK.

3. THAMBITHA E.GEORGE,
D/O. LATE ELUVATHINKAL GEORGE, REPRESENTED BY
POWER OF ATTORNEY HOLDER, MATHIRI.

4. THIMATHY E.GEORGE,
S/O. LATE ELUVATHINKAL GEORGE, RESIDING AT
MTM NAGAR, KACHERY DESOM, OLLUR VILLAGE,
THRISSUR TALUK.

5. ROSY E.GEORGE,
D/O. LATE ELUVATHINKAL GEORGE, RESIDING AT
MTM NAGAR, KACHERY DESOM, OLLUR VILLAGE,
THRISSUR TALUK.

6. JOHNY E.GEORGE,
S/O. LATE ELUVATHINKAL GEORGE, RESIDING AT
MTM NAGAR, KACHERY DESOM, OLLUR VILLAGE,THRISSUR
TALUK, REP.BY POWER OF ATTORNEY HOLDER, MATHIRI,
W/O.LATE ELUVATHINKAL GEORGE,RESIDING AT MTM NAGAR
KACHERY DESOM,OLLUR VILLAGE,THRISSUR TALUK.

7. THE SPECIAL TAHSILDAR (LA),
THRISSUR CORPORATION.

BY SR. GOVT. PLEADER SRI.MOHANAN V.T.K. FOR R7

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.15662 of 2006

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Dated this the 18th day of October, 2007.

JUDGMENT

This Writ Petition is filed for a direction and to set aside the order in E.P.No.39 of 2006 in L.A.R. 167 of 1988 before the Sub Court, Thrissur. The order passed by the Subordinate Judge is with respect to an attachment of some items and the said order was passed as early as on 25.5.2006. Against the award of the Subordinate Judge even going by ground "G" of the Writ Petition it is seen that an appeal is filed before this Court and it is pending. When an award is passed unless the execution of the award is stayed by a competent authority, the Executing Court cannot stall the proceedings. Remedy to be worked out by the party is an appeal, which is pending before the Appellate Court. If the appeal has been disposed of then it goes without saying that the Execution Petition will also depend upon the result of the appeal.

Therefore, at this length of time, no order is to be passed by this Court in this Writ Petition and hence the Writ Petition is dismissed.

M.N.Krishnan,
Judge.

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